

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/817,616)	Confirmation No.:	2481
)		
Applicant:	DURHAM et al.)	TC/A.U.	1797
)		
Filed:	April 2, 2004)	Examiner:	LAWRENCE, JR., F.
)		
Docket No.:	3791-30)		
)		
For:	APPARATUS AND PROCESS)		
	FOR PREPARING SORBENTS)		
	FOR MERCURY CONTROL AT)		
	THE POINT OF USE)		

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

Applicant submits this Comments on Statement of Reasons for Allowance to address further the Notice of Allowability ("Notice") having a mailing date of November 28, 2007.

In the Notice, the Examiner's stated reasons for allowance were that:

The claims remain allowable for the same reasons given in the previous notice of allowability. The provisional application 60/377,790 discloses on-site size reduction of adsorbents, but does not qualify as prior art because the date it became available to the public is the date of publication of the PC publication 2003/0206843 (November 6, 2003, see MPEP 2127), and the on-site size reduction is not disclosed in the publication. The provisional application of the instant application provides adequate enablement of the claimed invention.

Applicant notes that the PC publication does incorporate the provisional application by reference.

Based on the Notice, the patentability of all other independent and dependent claims is assumed to be based upon the elements as set forth in such claims and that such claims meet all criteria for patentability under §101, §102, §103 and §112.

As is clear from MPEP 1302.14,

“The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth.”

While the above-stated may be a stated reason for allowing some independent claims, Applicant submits that some independent claims have a different reason for allowance and that some independent claims have other reasons for allowance.

Specifically, the prior art fails to teach the following features of Claims 28, 37, and 46:

28. A method for treating a contaminated gas stream, the gas stream comprising one or more contaminants, comprising:
transporting a particulate unmilled sorbent material from a remote location to a utility plant site;
combusting coal to produce a contaminated gas stream;
milling the unmilled particulate sorbent material to produce a plurality of milled sorbent particles, the unmilled particulate sorbent material having a first size distribution and the milled sorbent particles having a second size distribution, wherein the second size distribution is smaller than the first size distribution, wherein the second size distribution has a P_{90} size ranging from about 0.5 to about 25 microns, and wherein the comminuting step occurs on-site with the plant in which the coal is combusted; and
thereafter introducing the comminuted sorbent particles into the gas stream to remove the one or more contaminants.

37. A method for treating a contaminated gas stream, the gas stream comprising one or more contaminants, comprising:
transporting a particulate unmilled sorbent material from a remote location to a utility plant site;
combusting coal to produce a contaminated gas stream;
milling the unmilled particulate sorbent material to produce a plurality of milled sorbent particles, the unmilled particulate sorbent material having a first size distribution and the milled sorbent particles having a second size distribution, wherein the second size distribution is

smaller than the first size distribution, wherein the second size distribution has a P₉₀ size ranging from about 0.5 to about 25 microns, and wherein the comminuting step occurs on-site with the plant in which the coal is combusted; and

introducing the comminuted sorbent particles into the gas stream to remove the one or more contaminants.

46. A method for treating a contaminated gas stream, the gas stream comprising one or more contaminants, comprising:

transporting a particulate unmilled sorbent material from a remote location to a utility plant site;

providing a contaminated gas stream from combustion of coal;

milling the unmilled particulate sorbent material to produce a plurality of milled sorbent particles, the unmilled particulate sorbent material having a first size distribution and the milled sorbent particles having a second size distribution, wherein the second size distribution is smaller than the first size distribution, wherein the second size distribution has a P₉₀ size ranging from about 0.5 to about 25 microns, and wherein the comminuting step occurs on-site with the plant in which the coal is combusted; and

introducing the comminuted sorbent particles into the gas stream to remove the one or more contaminants.

Although the Applicant believes that no fees are due for filing this Comments on Statement of Reasons for Allowance, please charge any fees deemed necessary to Deposit Account No. 19-1970.

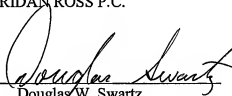
Respectfully submitted,

SHERIDAN ROSS P.C.

Date:

Feb 6 2008

By:



Douglas W. Swartz
Reg. No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: 303-863-9700